

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION**

**CRYSTAL GARMON AND NICHOLE
SANDERS on behalf of themselves,
and all others similarly situated,**

Plaintiffs,

vs.

**IOWA PREMIUM BEEF, LLC, d/b/a
Iowa Premium Beef,**

Defendant.

No. C15-0063

RULING ON COMBINED MOTIONS

This matter comes before the Court on the “Notice of Plaintiffs' Counsel's Motion to Withdraw as Counsel of Record for Plaintiff Crystal Garmon and Motion to Vacate and/or Continue all Pending Deadlines, Including Defendant's Motion to Compel Arbitration of Individual Claims and Motion to Dismiss Class Action Class, Collective Action Claims, and Other Proceedings” (docket number 25) filed by Plaintiffs' attorneys on September 21, 2015. In their combined motion, Plaintiffs' counsel ask that (1) they be permitted to withdraw as counsel for Garmon, and (2) the deadlines for responding to Defendant's pending motion to compel arbitration and to dismiss be extended. Counsel also suggests that “following its order granting the motion to withdraw, the Court should set a status conference.” According to the motion, “defendant will not oppose the Motion.”

On July 16, 2015, a complaint was filed by Crystal Garmon and Nichole Sanders, “on behalf of themselves, and all others similarly situated.” On August 13, prior to filing an answer, Defendant filed a combined motion to compel arbitration and motion to dismiss the class action claims. That combined motion is still pending. The deadline for Plaintiffs to respond has been extended repeatedly at their request.

On September 21, Plaintiff Nichole Sanders filed a stipulation dismissing her individual claim with prejudice. The stipulation provided that “[t]he claims of Plaintiff, Crystal Garmon, and the class and collective, are not included in this Stipulation of Dismissal with Prejudice and therefore should not be dismissed.”

On the same day, counsel filed the instant motion asking that they be permitted to withdraw their representation on behalf of Plaintiff Crystal Garmon. Despite repeated efforts to contact Garmon, as detailed in a declaration of attorney Nicole N. Coon, Garmon has been unresponsive. As a solution to this problem, counsel suggests that they be permitted to withdraw and the Court then set a status hearing. In other words, counsel believes it should be the Court's problem and not theirs. I disagree. The motion to withdraw will be denied.


Plaintiffs' counsel also asks that the deadline for responding to Defendant's combined motion to compel arbitration and dismiss the class action claims be extended. That motion will be granted.

ORDER

IT IS THEREFORE ORDERED that the Combined Motion filed by Plaintiffs' counsel (docket number 25) is **DENIED in part** and **GRANTED in part**, as follows:

1. The Motion to Withdraw as Counsel for Crystal Garmon is **DENIED**.
2. The Motion to Extend Deadlines is **GRANTED**. The deadline for Plaintiffs to respond to Defendant's Combined Motion to Compel Arbitration and Motion to Dismiss (docket number 18) is **EXTENDED to October 14, 2015**. *No further extensions will be granted.*

DATED this 30th day of September, 2015.



JON STUART SCOLES
CHIEF MAGISTRATE JUDGE
NORTHERN DISTRICT OF IOWA